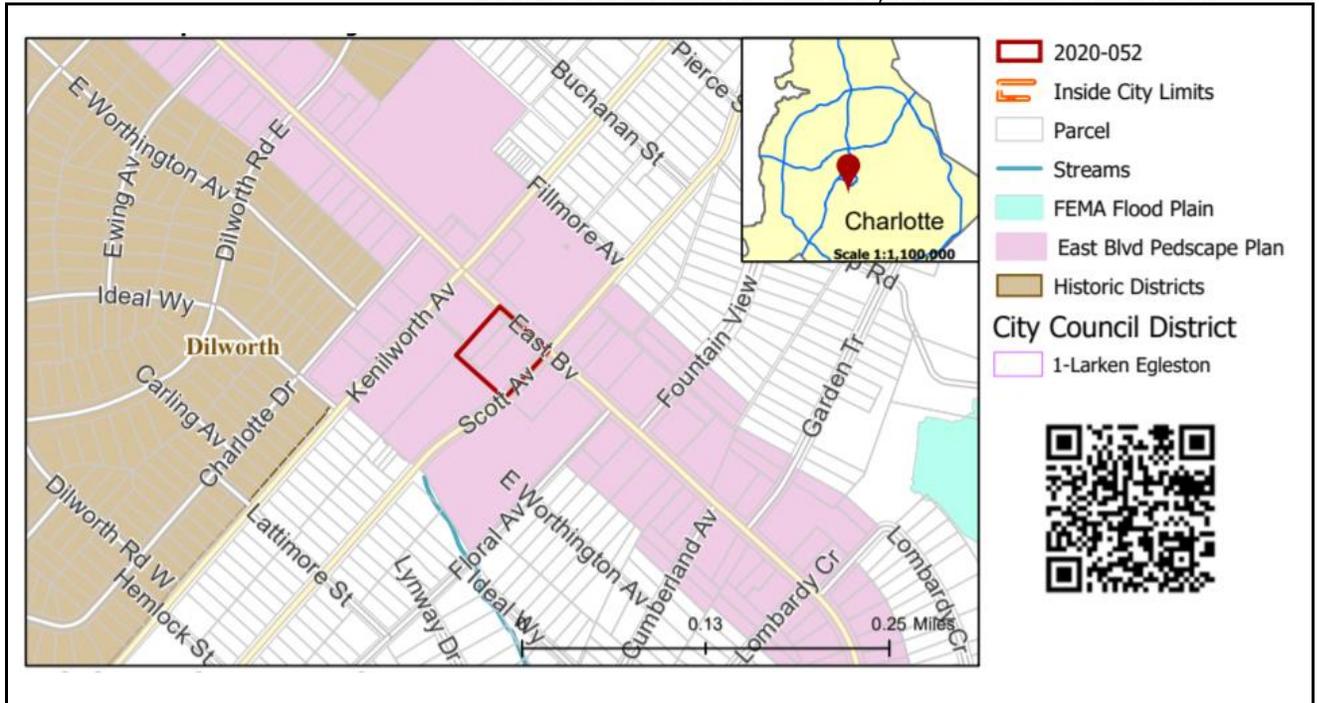


REQUEST

Current Zoning: NS PED (neighborhood services, pedestrian overlay)
Proposed Zoning: MUDD(O) PED (mixed use development, optional, pedestrian overlay)

LOCATION

Approximately 1 acre located on the west side of the intersection of East Boulevard and Scott Avenue, east of Kenilworth Avenue.



SUMMARY OF PETITION

The petition proposes to allow a mix of uses and structured parking on a vacant parcel located at the corner of East Boulevard and Scott Avenue. The subject lot has been utilized in the past for seasonal sales of pumpkins and Christmas trees.

**PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE**

JNC Properties LLC
Selwyn Property Group, Inc.
Collin Brown and Brittany Lins/Alexander Ricks

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 44

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the *East Boulevard Pedscape Plan* recommendation for multi-family/retail, but **inconsistent** for proposed office uses and recommended height.

Rationale for Recommendation

- The current entitlements under rezoning petition 1997-88 allow restaurant, retail and office uses.
- The design guidelines encourage utilization of architectural elements that are attractive, functional, and will help to achieve a cohesive composition on all elevations.

- Places focus on the street level and pedestrian enhancement through design features.
- Minimizes the presence of driveways and parking areas by limiting number of entrances to 2 and utilization of a parking structure.
- Encourages commercial revitalization by establishing a mixed use project on an infill lot.

The approval of this petition will revise the adopted future land use from multifamily/retail as specified in the *East Boulevard Pedscape Plan* to multifamily/office/retail.

PLANNING STAFF REVIEW

• Proposed Request Details

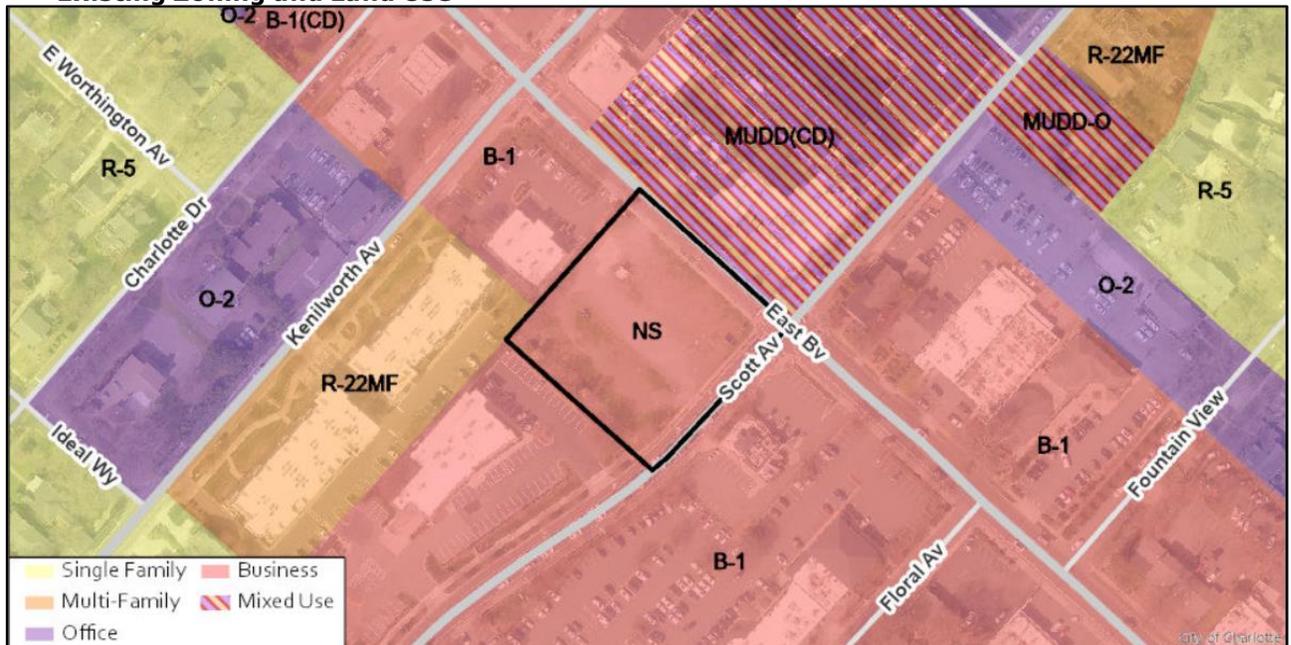
The site plan accompanying this petition contains the following provisions:

- Up to 80,000 square feet of offices or up to 170 residential units.
- Up to 10,000 square feet of retail, EDEE or personal service or other non-residential uses.
- Prohibits car washes (except for residential car wash stations); automobile service stations; and ~~EDEEs with~~ accessory drive-through service windows.
- Requests the following optional provision:
 - The ability to construct an overhead encroachment into the streetscape area along East Boulevard in order to accommodate a cantilevered building design starting a minimum of ~~16~~ 26 feet above the sidewalk. The Potential Building Overhang shall be a maximum of ~~8~~ 11 feet beyond the base level building footprint. For the sake of clarity, this encroachment area shall not be permitted at the building's base level.
 - Requests a deviation from the adopted streetscape along the Site's frontage of East Boulevard as reflected in the Rezoning Plan.
 - Allow balconies to encroach up to 8 feet into the setbacks from all adjacent streets. Balconies shall maintain a minimum vertical clearance of 12 feet above grade.
- Limits building height to 85 feet.
- Proposes the following transportation improvements:
 - Proposes entrance only access from East Boulevard and left in/left out access onto Scott Avenue.
 - Provides streetscape improvements along the Site's frontage of Scott Avenue as depicted on the Rezoning Plan. The sidewalk will be extended to the base of the building along the Scott Avenue frontage where feasible based on architecture. Trees may be located in ~~planters or~~ grates along sidewalk ~~areas or in planting strips.~~
 - Illustrates future conditions after completion of East Boulevard widening proposed by others. As an interim condition, the Petitioner shall work in coordination with Urban Design Planning Staff to develop a hardscape plan that includes wider sidewalks and a combination of planting strip and/or tree planters within the limits as illustrated on the Rezoning Plan. Trees may be located in planters or grates along sidewalk areas or in planting strips.
- Proposes the following design guidelines:
 - Preferred Exterior building materials used for buildings will be a combination of any of the following shall be comprised of a minimum percentage of the following materials on the applicable building facade along public rights-of-way (excluding windows and door areas): glass, brick, metal, stone, simulated stone, pre-cast stone, architectural precast concrete, synthetic stone, stucco/E.I.F.S., cementitious siding (such as hardi-plank), or ~~wood/composite wood~~ other materials approved by the Planning Director:
 - Preferred Exterior Building Materials shall comprise a minimum of 60% of the East Boulevard frontage and a minimum of 50% of the Scott Avenue frontage.
 - Vinyl, as a building material, will only be allowed on windows, soffits and trim features.
 - Cementitious siding (such as hardi-plank) shall be excluded from office buildings, if office uses are provided on the site, but shall be permitted for residential buildings, if provided. ~~The maximum amount of exterior cementitious siding for residential buildings along the site's frontage of East Boulevard and Scott Avenue shall be 50% of the building face for that frontage.~~
 - Stucco and EIFS shall not comprise more than 25% of the exterior building materials for building elevations fronting East Boulevard and Scott Avenue.
 - Notes building massing and height shall be designed to break up monolithic building forms:
 - Base of high rise building(s) (those exceeding five(5) stories): The base of building sides (equivalent to the first three (3) floors at street grade for buildings containing office uses or first two (2) floors at street grade for buildings containing residential uses)

greater than 120 feet in length fronting a public street shall be distinguished from the remainder of the building and include modulations of the building massing/façade plane (such as recesses, projections, and architectural details). Modulations shall be a minimum of five (5) feet wide and shall project or recess a minimum of one (1) foot extending through at least a full floor.

- Building elevations facing public streets shall not have expanses of blank walls greater than 20 feet in all directions and architectural features such as but not limited to banding, medallions or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.
- Notes the site's frontage of Scott Avenue shall, at a minimum, provide at least 60% of the length of the first floor street frontage designed for pedestrian-scale activity. Of the provided 60% street wall design, a minimum of 50% shall be met through the use of clear glass.
- The Site's frontage of East Boulevard shall, at a minimum, provide at least 70% of the length of the first floor street frontage designed for pedestrian-scale activity. Of the provided 70% street wall design, a minimum of 70% shall be met through the use of clear glass.
- If a rooftop terrace is provided, it shall be permitted only for office or residential uses (no rooftop terraces associated with EDEE uses shall be allowed).
- Notes parking structures shall be designed so that vehicles parked on all levels of the structure and associated lighting are screened by a wall or panel measuring a minimum of 48 inches in height. Screening shall include both vertical and horizontal treatment that resembles patterns and architecture of the occupied portions of the building, including use of similar materials and a similar rhythm of window openings on frontages. The remaining opening shall be screened using decorative elements such as grillwork, louvers, green walls, or a similar treatment. Any such decorative screens shall be set back from the plane of the street facades and affixed in line with the internal face of walls to parking levels so as to be minimally intrusive when seen in perspective. For parking structures with rooftop open-air parking, a parapet wall of sufficient height to ensure vehicles are not visible from the nearest sidewalk is required. Any such parapet wall shall be a minimum of four (4) feet in height.
- Notes interim street tree plantings, if provided, will meet the Tree Ordinance requirements.

• **Existing Zoning and Land Use**



- The rezoning site is currently vacant but has been utilized for temporary sales, and is surrounded by a mix of residential, commercial, and institutional uses in various zoning districts. The subject site was rezoned from B-1 to NS via petition 1997-88 to allow 27,750 square feet of restaurant, retail and office uses. City Council denied petition 2010-046 that proposed construction of an 85-space parking lot on the subject parcel.



The site is currently vacant.



Mixed use development, commercial, and residential uses are located north of the rezoning site.



North, along Scot Avenue, are residential and nonresidential uses.



Along East Boulevard are institutional, office, residential and retail uses.



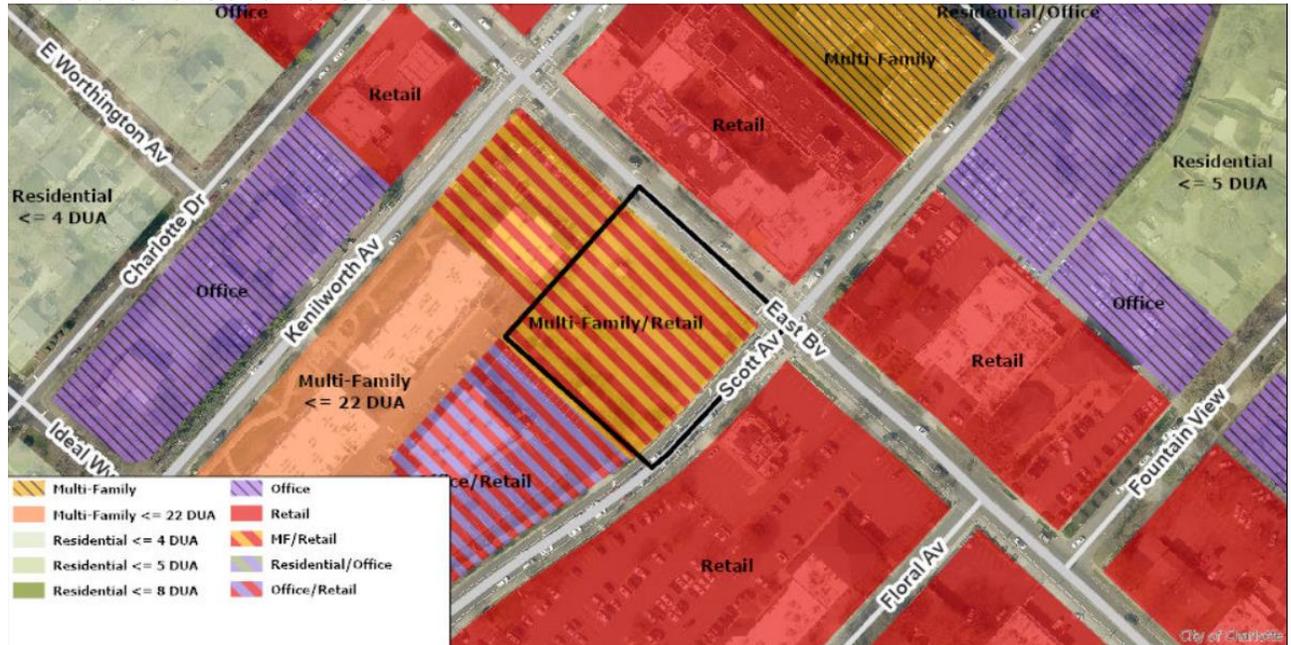
West and south are residential neighborhoods.

• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-114	Rezoned 69.27 acres to MUDD-O PED with 5-year vested rights to accommodate the future renovation and expansion of Atrium Health.	Approved
2015-013	Rezoned 0.42 acres to MUDD(CD) to allow development of up to 9 single family attached dwelling units.	Approved

• **Public Plans and Policies**



- The *East Boulevard Pedscape Plan* recommends multi-family/retail on the subject site. The plan supports a maximum building height of 75 feet at locations closest to East Boulevard and furthest away from residential uses. The proposed 85 feet is inconsistent with the adopted plan recommendation.

• **TRANSPORTATION SUMMARY**

- The petition is located on the southwest corner of the signalized intersection of East Blvd. and Scott Ave. in the commercial core of Dilworth. Both streets are major thoroughfares that are City-maintained. The petitioner has committed to constructing an 8-ft planting strip and 6-ft sidewalk along East Blvd to promote safety and connectivity in accordance with Charlotte WALKS. The petitioner site plan needs to be revised to reflect the construction on a 5-foot bike lane on East Blvd in-line with the Charlotte BIKES enhancing multimodal safety and connectivity.

• **Active Projects:**

- No active project near the site.

• **Transportation Considerations**

- ~~See Outstanding Issues, Note 1.~~ Addressed

• **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 0 trips per day (based on vacant land; sales of seasonal items like pumpkins and Christmas trees occur).

Entitlement: 1,400 trips per day (based on 8,000 square feet restaurant, 11,000 square feet office, 8,800 square feet retail; petition 1997-88).

Proposed Zoning: 1,240 trips per day (based on 80,000 square feet office, 10,000 square feet retail).

Proposed Zoning: 1,305 trips per day (based on 80,000 square feet office, 170 multifamily residential units).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.

- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 0 students, while the development allowed under the proposed zoning may produce 34 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 34.
 - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
 - Dilworth (Sedgefield Campus K-2) Elementary remains at 66%
 - Dilworth (Latta Campus 3-5) from 64% to 68%
 - Sedgefield Middle from 73% to 75%
 - Myers Park High from 125% to 126%
 - See advisory comments at www.rezoning.org
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along East Boulevard. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along East Boulevard. See advisory comments at www.rezoning.org
- **Engineering and Property Management:**
 - **Arborist:** No outstanding issues.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** See Outstanding Issues, Note 3. Addressed
 - **Storm Water Services:** See advisory comments at www.rezoning.org
 - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Transportation

- ~~1. The proposed zoning district has a setback measured from back of the existing or proposed future curb.

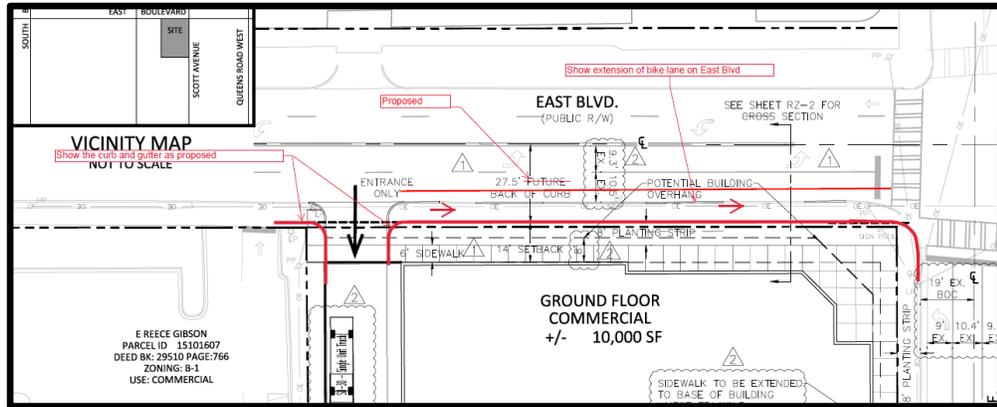
 - a. ~~Scott Avenue: The future location of curb and gutter is in its existing location.~~
 - b. ~~East Boulevard: The proposed curblines and setbacks need to be revised from what is shown on the site plan.~~ Addressed~~

Site and Building Design

- ~~2. The rezoning site is subject to the East Boulevard Pedscape Plan and cross section for East Boulevard between Kenilworth and Scott Avenues. Petitioner needs to meet the adopted streetscape or request an optional provision specifying deviations. Petitioner needs to clarify Transportation Note V.c. Addressed~~
- ~~3. Petitioner needs to clarify Transportation Note V.d., provide dimensions of the proposed sidewalk, planting strip, and other items agreed upon. Addressed~~
- ~~4. Clarify that accessory drive through windows are prohibited for all uses and not just EDEE uses. Addressed~~
- ~~5. Clarify that proposed interim street plantings will meet Tree Ordinance requirements. Addressed~~

REQUESTED TECHNICAL REVISIONS

- ~~6. **Technical Clarification based on revised site plan (11/24/2020)** The petitioner shall revise the site plan to show the proposed curb and gutter at its future location. The site plan should also reflect the extension of bike lane on the south side of East Blvd, per Charlotte BIKES. Rescinded~~



See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org

Planner: Claire Lyte-Graham (704) 336-3782